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October 2, 2012

Via Overnight Delivery and Electronic Transmission

Deborah Benjamin
Associate Regional Counsel
Office of Environmental Accountability
US Environmental Protection Agency
61 Forsyth Street, SW
Atlanta, Georgia 30303-8960

**Re: Southside Chattanooga Lead Superfund Site
Chattanooga, Hamilton County, Tennessee**

Dear Ms. Benjamin:

I am writing to supplement my response letter dated September 21, 2012, concerning the above-referenced Superfund Site.

As explained in the September 21 letter, King & Spalding represents Mueller Water Products, Inc. ("MWP") and USP Holdings Inc. ("USP").¹ By overnight delivery, we are producing the enclosed records in response to EPA's Information Request Letter of July 16, 2012. Specifically, we are providing one supplemental box of documents that we received after our first production that are responsive to Questions 5 in your Information Request, Bates Nos. MWPS011450 -012734. We have also attached to this letter our supplemental responses to Questions 7 and 8 in your Information Request.

¹ As we have previously discussed, my firm represents MWP. Earlier this year, MWP sold its interest in United States Pipe and Foundry Company, LLC ("U.S. Pipe") to USP. As explained below, since 1995 following a bankruptcy sale, U.S. Pipe owned and operated the foundry that the EPA alleges is responsible for the contamination that EPA claims is present at the Site. MWP is responding to the July 16 letter because it is obliged to indemnify USP for certain pre-closing matters associated with U.S. Pipe.



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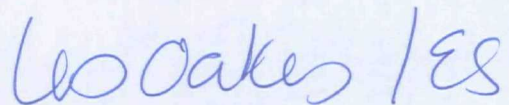
For the agency's information, U.S. Pipe continues to look for documents and other sources of information that may be responsive to the Information Request. If responsive documents or other information are identified, we will provide additional supplements to this response. To date, U.S. Pipe has not located other kinds of potentially responsive records, such as business transaction documents. If such records are identified, they will be reviewed and submitted to EPA.

We have also identified a number of documents subject to the "attorney-client privilege." U.S. Pipe continues to review those documents with its counsel, Mr. Gary Rovner of Foley & Lardner, and a privilege log will be prepared and submitted to EPA for all privileged, responsive documents that are not being produced.

As stated in our response dated September 21, 2012, based upon the information identified to date and the supplemental documents referenced in this response, we have not found any evidence tying the operations of the United States Pipe and Foundry Company, LLC to the lead contamination that EPA says exists at the above-referenced Site. Accordingly, this letter does not contain an offer to undertake the removal action that the agency is contemplating. Again, if EPA has discovered any such information, please notify me immediately.

Following your review of this letter, please feel free to contact me concerning this supplemental response.

Sincerely,

A handwritten signature in blue ink that reads "Les Oakes / ES". The signature is written in a cursive, flowing style.

Les Oakes

Attachment (1)

Documents by overnight delivery (1 box)

cc: Kevin Maxwell w/attach. (via electronic transmission)
Gary Rovner w/attach. (via electronic transmission)

Supplemental Responses

The EPA's Information Requests appear in ***bold, italics*** type face. MWP's Supplemental Responses to EPA's Information Requests appear in normal type face. United States Pipe and Foundry Company, LLC is referred to as "U.S. Pipe."

Questions

3. For every question contained herein, identify all documents consulted, examined, or referred to in the preparation of the response that contain information responsive to the question, and provide true and accurate copies of all such documents.

The documents consulted, examined or referred to in the preparation of the supplemental responses that contain information responsive to Question Number 5 are identified by Bates Numbers or Ranges of Bates Numbers and true and accurate copies of those documents are being submitted to EPA by overnight delivery.

5. For each property within the City of Chattanooga, Tennessee presently or previously owned and/or operated by the Respondent, or previously owned and/or operated by any of the Respondent's predecessors in interest, identify the locate and provide all information regarding:

See the following supplemental responses to each subpart below.

a. Dates of ownership, lease, and/or operation;¹

b. Manufacturing processes;²

c. Production volumes;³

d. Use, storage, and disposal of foundry brick, sand, and/or baghouse dust;⁴

¹ Responsive documents to *subpart a* are: MWPS011456 -011463; and MWPS011466 -011501.

² Responsive documents to *subpart b* are: MWPS011456 -012734.

³ Responsive documents to *subpart c* are: MWPS011456 -011463; MWPS011466 -011501; MWPS011661 -011667; MWPS012166 -012236; MWPS012243 -012247; MWPS012254 -012258; MWPS012262 -012263; MWPS012265 -012266; MWPS012293 -012295; MWPS012299 -012334; MWPS012346 -012352; and MWPS012624 -012711.

⁴ Responsive documents to *subpart d* are: MWPS011522 -011523; MWPS011574 -011590; MWPS011634 -011635; MWPS011649 -011651; MWPS011659 -011677; MWPS011681 -011683; MWPS012005 -012006; MWPS012103 -012103; MWPS012107 -012108; MWPS012115 -012149; MWPS012162 -012163; MWPS012168 -012177; MWPS012186 -012189; MWPS012199 -012200; MWPS012202 -012204; MWPS012230 -012236;

- e. Description of the manner in which foundry sand and/or baghouse dust was disposed;⁵*
- f. Giving foundry sand and/or baghouse dust to any entity (public or private) including, but not limited to, industrial/commercial manufacturing plants, municipal properties, or private residences, provide all information and records of any such transactions;⁶*
- l. Whether the Respondent participated in any municipal projects, programs, or initiatives involving providing foundry sand and/or baghouse dust for any use.⁷*

7. For each property identified in response to Question 5, provide a list of all local, state, and federal environmental permits ever granted to the Respondent or its predecessors (e.g. RCRA permits, NPDES permits, Air permits, etc.).

Please see the attached supplemental list entitled "Question 7 Supplement: List of Permits Granted to U.S. Pipe." This list is based upon the permits that the Chattanooga Plant possessed on or before the time it closed in 2006.

8. For each property identified in response to Question 5, provide a list of all citation of violations issued to that facility or property by any local, state, and federal environmental organization.

Please see the attached supplemental list entitled "Question 8 Supplement: List of Citations of Violation." This list is based upon the documents in U.S. Pipe's files. All of these identified citations occurred before the Chattanooga Plant closed in 2006.

MWPS012243 -012247; MWPS012254 -012258; MWPS012262 -012263; MWPS012265 -012266; MWPS012278 -012278; MWPS012285 -012393; MWPS012395 -012395; MWPS012509 -012513; and MWPS012618 -012734.

⁵ Responsive documents to *subpart e* are: MWPS011456 -011463; MWPS011466 -011501; MWPS012168 -012171; MWPS012372 -012392; MWPS012509 -012513; MWPS012618 -012623; and MWPS012640 -012711.

⁶ Responsive documents to *subpart f* are: MWPS011665 -011667; and MWPS012712 -012734.

⁷ Responsive documents to *subpart l* are: MWPS011456 -011463.

Question 7 Supplement: List of Permits Granted to U.S. Pipe

Permit	Issuing Authority	Permit Number
Title V, Part 70 Equipment Operating Permit	Chattanooga-Hamilton County Air Pollution Control Bureau	3321-30400202-01
Title V, Part 70 Equipment Operating Permit	Chattanooga-Hamilton County Air Pollution Control Bureau	3321-30400340-02
Title V, Part 70 Equipment Operating Permit	Chattanooga-Hamilton County Air Pollution Control Bureau	3321-30400299-03
Title V, Part 70 Equipment Operating Permit	Chattanooga-Hamilton County Air Pollution Control Bureau	3321-30400340-04
Title V, Part 70 Equipment Operating Permit	Chattanooga-Hamilton County Air Pollution Control Bureau	3321-30400330-05
Title V, Part 70 Equipment Operating Permit	Chattanooga-Hamilton County Air Pollution Control Bureau	3321-30400350-07
Title V, Part 70 Equipment Operating Permit	Chattanooga-Hamilton County Air Pollution Control Bureau	3321-30301001-09
Title V, Part 70 Equipment Operating Permit	Chattanooga-Hamilton County Air Pollution Control Bureau	3321-30400499-10C
Title V, Part 70 Equipment Operating Permit	Chattanooga-Hamilton County Air Pollution Control Bureau	3321-30400350-11
Title V, Part 70 Equipment Operating Permit	Chattanooga-Hamilton County Air Pollution Control Bureau	3321-40500460-11C
Title V, Part 70 Equipment Operating Permit	Chattanooga-Hamilton County Air Pollution Control Bureau	3321-40200101-12
Title V, Part 70 Equipment Operating Permit	Chattanooga-Hamilton County Air Pollution Control Bureau	3321-40200101-13
Title V, Part 70 Equipment Operating Permit	Chattanooga-Hamilton County Air Pollution Control Bureau	3321-30400340-15
Title V, Part 70 Equipment Operating Permit	Chattanooga-Hamilton County Air Pollution Control Bureau	3321-30400340-16
Title V, Part 70 Equipment Operating Permit	Chattanooga-Hamilton County Air Pollution Control Bureau	3321-30400340-17C

Title V, Part 70 Equipment Operating Permit	Chattanooga-Hamilton County Air Pollution Control Bureau	3321-30400360-18
Title V, Part 70 Equipment Operating Permit	Chattanooga-Hamilton County Air Pollution Control Bureau	3321-30400340-18
Title V, Part 70 Equipment Operating Permit	Chattanooga-Hamilton County Air Pollution Control Bureau	3321-30400360-19
Title V, Part 70 Equipment Operating Permit	Chattanooga-Hamilton County Air Pollution Control Bureau	3321-30400340-19C
Title V, Part 70 Equipment Operating Permit	Chattanooga-Hamilton County Air Pollution Control Bureau	3321-30799999-20
Title V, Part 70 Equipment Operating Permit	Chattanooga-Hamilton County Air Pollution Control Bureau	3321-30799999-21
Title V, Part 70 Equipment Operating Permit	Chattanooga-Hamilton County Air Pollution Control Bureau	3321-30400399-22
Title V, Part 70 Equipment Operating Permit	Chattanooga-Hamilton County Air Pollution Control Bureau	3321-30400399-23
Title V, Part 70 Equipment Operating Permit	Chattanooga-Hamilton County Air Pollution Control Bureau	3321-30400360-25
Title V, Part 70 Equipment Operating Permit	Chattanooga-Hamilton County Air Pollution Control Bureau	3321-30400340-25
Title V, Part 70 Equipment Operating Permit	Chattanooga-Hamilton County Air Pollution Control Bureau	3321-30400399-26
Title V, Part 70 Equipment Operating Permit	Chattanooga-Hamilton County Air Pollution Control Bureau	3321-30400340-27
Title V, Part 70 Equipment Operating Permit	Chattanooga-Hamilton County Air Pollution Control Bureau	3321-30400340-28
Title V, Part 70 Equipment Operating Permit	Chattanooga-Hamilton County Air Pollution Control Bureau	3321-30400340-29
Title V, Part 70 Equipment Operating Permit	Chattanooga-Hamilton County Air Pollution Control Bureau	3321-30400340-30
Title V, Part 70 Equipment Operating Permit	Chattanooga-Hamilton County Air Pollution Control Bureau	3321-30400399-31

Title V, Part 70 Equipment Operating Permit	Chattanooga-Hamilton County Air Pollution Control Bureau	3321-30400899-31C
Title V, Part 70 Equipment Operating Permit	Chattanooga-Hamilton County Air Pollution Control Bureau	3321-30400398-32
Title V, Part 70 Equipment Operating Permit	Chattanooga-Hamilton County Air Pollution Control Bureau	3321-30400399-32
Title V, Part 70 Equipment Operating Permit	Chattanooga-Hamilton County Air Pollution Control Bureau	3321-30400398-33
Title V, Part 70 Equipment Operating Permit	Chattanooga-Hamilton County Air Pollution Control Bureau	3321-30400350-33C
Title V, Part 70 Equipment Operating Permit	Chattanooga-Hamilton County Air Pollution Control Bureau	3321-30400398-33C
Title V, Part 70 Equipment Operating Permit	Chattanooga-Hamilton County Air Pollution Control Bureau	3321-30400350-34
Title V, Part 70 Equipment Operating Permit	Chattanooga-Hamilton County Air Pollution Control Bureau	3321-30400398-34C
Title V, Part 70 Equipment Operating Permit	Chattanooga-Hamilton County Air Pollution Control Bureau	3321-30400350-35
Title V, Part 70 Equipment Operating Permit	Chattanooga-Hamilton County Air Pollution Control Bureau	3321-40200101-36
Title V, Part 70 Equipment Operating Permit	Chattanooga-Hamilton County Air Pollution Control Bureau	3321-40200101-37
Title V, Part 70 Equipment Operating Permit	Chattanooga-Hamilton County Air Pollution Control Bureau	3321-30400301-38
Title V, Part 70 Equipment Operating Permit	Chattanooga-Hamilton County Air Pollution Control Bureau	3321-30400350-38C
Title V, Part 70 Equipment Operating Permit	Chattanooga-Hamilton County Air Pollution Control Bureau	3321-30400101-38
Title V, Part 70 Equipment Operating Permit	Chattanooga-Hamilton County Air Pollution Control Bureau	3321-30400301-39
Title V, Part 70 Equipment Operating Permit	Chattanooga-Hamilton County Air Pollution Control Bureau	3321-30400101-39C

Title V, Part 70 Equipment Operating Permit	Chattanooga-Hamilton County Air Pollution Control Bureau	3321-30400301-40
Title V, Part 70 Equipment Operating Permit	Chattanooga-Hamilton County Air Pollution Control Bureau	3321-30400101-40C
Title V, Part 70 Equipment Operating Permit	Chattanooga-Hamilton County Air Pollution Control Bureau	3321-30400303-41
Title V, Part 70 Equipment Operating Permit	Chattanooga-Hamilton County Air Pollution Control Bureau	3321-40200801-42
Title V, Part 70 Equipment Operating Permit	Chattanooga-Hamilton County Air Pollution Control Bureau	3321-30400399-42C
Title V, Part 70 Equipment Operating Permit	Chattanooga-Hamilton County Air Pollution Control Bureau	3321-30300899-42C
Title V, Part 70 Equipment Operating Permit	Chattanooga-Hamilton County Air Pollution Control Bureau	3321-40200101-43
Title V, Part 70 Equipment Operating Permit	Chattanooga-Hamilton County Air Pollution Control Bureau	3321-30400350-44
Title V, Part 70 Equipment Operating Permit	Chattanooga-Hamilton County Air Pollution Control Bureau	3321-30400340-45
Title V, Part 70 Equipment Operating Permit	Chattanooga-Hamilton County Air Pollution Control Bureau	3321-30400202-45
Title V, Part 70 Equipment Operating Permit	Chattanooga-Hamilton County Air Pollution Control Bureau	3321-30300899-45C
Title V, Part 70 Equipment Operating Permit	Chattanooga-Hamilton County Air Pollution Control Bureau	3321-30400358-46
Title V, Part 70 Equipment Operating Permit	Chattanooga-Hamilton County Air Pollution Control Bureau	3321-30400301-47
Title V, Part 70 Equipment Operating Permit	Chattanooga-Hamilton County Air Pollution Control Bureau	3321-40202599-48
Title V, Part 70 Equipment Operating Permit	Chattanooga-Hamilton County Air Pollution Control Bureau	3321-40202599-49
Title V, Part 70 Equipment Operating Permit	Chattanooga-Hamilton County Air Pollution Control Bureau	3321-30400299-49

Title V, Part 70 Equipment Operating Permit	Chattanooga-Hamilton County Air Pollution Control Bureau	3321-30400299-50
Title V, Part 70 Equipment Operating Permit	Chattanooga-Hamilton County Air Pollution Control Bureau	3321-40200101-51
Title V, Part 70 Equipment Operating Permit	Chattanooga-Hamilton County Air Pollution Control Bureau	3321-40200101-52
Title V, Part 70 Equipment Operating Permit	Chattanooga-Hamilton County Air Pollution Control Bureau	3321-50300103-53
Title V, Part 70 Equipment Operating Permit	Chattanooga-Hamilton County Air Pollution Control Bureau	3321-40200601-57
Title V, Part 70 Temporary Equipment Operating Permit	Chattanooga-Hamilton County Air Pollution Control Bureau	3321-30400350-44T
Title V, Part 70 Installation Permit	Chattanooga-Hamilton County Air Pollution Control Bureau	3321-30400301-39I
Title V, Part 70 Installation Permit	Chattanooga-Hamilton County Air Pollution Control Bureau	3321-30300899-42I
Title V, Part 70 Installation Permit	Chattanooga-Hamilton County Air Pollution Control Bureau	3321-30400340-58I
Title V, Part 70 Installation Permit	Chattanooga-Hamilton County Air Pollution Control Bureau	3321-30400340-59I
Title V, Part 70 Installation Permit	Chattanooga-Hamilton County Air Pollution Control Bureau	3321-40202599-60I
Title V, Part 70 Installation Permit	Chattanooga-Hamilton County Air Pollution Control Bureau	3321-30400202-61I
Title V, Part 70 Installation Permit	Chattanooga-Hamilton County Air Pollution Control Bureau	3321-30400330-62I
Title V, Part 70 Installation Permit	Chattanooga-Hamilton County Air Pollution Control Bureau	3321-30400356-63I
Title V, Part 70 Installation Permit	Chattanooga-Hamilton County Air Pollution Control Bureau	3321-30400357-64I
Title V, Part 70 Installation Permit	Chattanooga-Hamilton County Air Pollution Control Bureau	3321-30400357-65I

Title V, Part 70 Installation Permit	Chattanooga-Hamilton County Air Pollution Control Bureau	3321-30400371-66I
Title V, Part 70 Installation Permit	Chattanooga-Hamilton County Air Pollution Control Bureau	3321-30400371-67I
Title V, Part 70 Installation Permit	Chattanooga-Hamilton County Air Pollution Control Bureau	3321-30400371-68I
Title V, Part 70 Installation Permit	Chattanooga-Hamilton County Air Pollution Control Bureau	3321-30400325-71I
Title V, Part 70 Installation Permit	Chattanooga-Hamilton County Air Pollution Control Bureau	3321-30400325-72I
Title V, Part 70 Installation Permit	Chattanooga-Hamilton County Air Pollution Control Bureau	3321-30400350-74I
Title V, Part 70 Installation Permit	Chattanooga-Hamilton County Air Pollution Control Bureau	3321-30400350-75I
Air Pollution Equipment Installation Permit	Chattanooga-Hamilton County Air Pollution Control Bureau	35775150I
Air Pollution Melting Equipment Installation Permit	Chattanooga-Hamilton County Air Pollution Control Bureau	1063
Air Pollution Equipment Operating Permit	Chattanooga-Hamilton County Air Pollution Control Bureau	312300110-C
Air Pollution Equipment Operating Permit	Chattanooga-Hamilton County Air Pollution Control Bureau	312300039-C
Air Pollution Equipment Operating Permit	Chattanooga-Hamilton County Air Pollution Control Bureau	31330016T
Air Pollution Equipment Operating Permit	Chattanooga-Hamilton County Air Pollution Control Bureau	35700001C
Air Pollution Equipment Operating Permit	Chattanooga-Hamilton County Air Pollution Control Bureau	35700004C
Air Pollution Equipment Operating Permit	Chattanooga-Hamilton County Air Pollution Control Bureau	35700006C
Air Pollution Equipment Operating Permit	Chattanooga-Hamilton County Air Pollution Control Bureau	35700010C

Air Pollution Equipment Operating Permit	Chattanooga-Hamilton County Air Pollution Control Bureau	35700038C
Air Pollution Equipment Operating Permit	Chattanooga-Hamilton County Air Pollution Control Bureau	35700052C
Air Pollution Equipment Operating Permit	Chattanooga-Hamilton County Air Pollution Control Bureau	35700053C
Air Pollution Equipment Operating Permit	Chattanooga-Hamilton County Air Pollution Control Bureau	35775002C
Air Pollution Equipment Operating Permit	Chattanooga-Hamilton County Air Pollution Control Bureau	35775004C
Air Pollution Equipment Operating Permit	Chattanooga-Hamilton County Air Pollution Control Bureau	35775006C
Air Pollution Equipment Operating Permit	Chattanooga-Hamilton County Air Pollution Control Bureau	35775007C
Air Pollution Equipment Operating Permit	Chattanooga-Hamilton County Air Pollution Control Bureau	35775009C
Air Pollution Equipment Operating Permit	Chattanooga-Hamilton County Air Pollution Control Bureau	35775012C
Air Pollution Equipment Operating Permit	Chattanooga-Hamilton County Air Pollution Control Bureau	35775015C
Air Pollution Equipment Operating Permit	Chattanooga-Hamilton County Air Pollution Control Bureau	35775019C
Air Pollution Equipment Operating Permit	Chattanooga-Hamilton County Air Pollution Control Bureau	35775023C
Air Pollution Equipment Operating Permit	Chattanooga-Hamilton County Air Pollution Control Bureau	35775028C
Air Pollution Equipment Operating Permit	Chattanooga-Hamilton County Air Pollution Control Bureau	35775032C
Air Pollution Equipment Operating Permit	Chattanooga-Hamilton County Air Pollution Control Bureau	35775035C
Air Pollution Equipment Operating Permit	Chattanooga-Hamilton County Air Pollution Control Bureau	35775039C

Air Pollution Equipment Operating Permit	Chattanooga-Hamilton County Air Pollution Control Bureau	35775043C
Air Pollution Equipment Operating Permit	Chattanooga-Hamilton County Air Pollution Control Bureau	35775045C
Air Pollution Equipment Operating Permit	Chattanooga-Hamilton County Air Pollution Control Bureau	35775053C
Air Pollution Equipment Operating Permit	Chattanooga-Hamilton County Air Pollution Control Bureau	35775099C
Air Pollution Equipment Operating Permit	Chattanooga-Hamilton County Air Pollution Control Bureau	35775109C
Air Pollution Equipment Operating Permit	Chattanooga-Hamilton County Air Pollution Control Bureau	35775110C
Air Pollution Equipment Operating Permit	Chattanooga-Hamilton County Air Pollution Control Bureau	35775111C
Air Pollution Equipment Operating Permit	Chattanooga-Hamilton County Air Pollution Control Bureau	35800002C
Air Pollution Equipment Operating Permit	Chattanooga-Hamilton County Air Pollution Control Bureau	35800004C
Air Pollution Equipment Operating Permit	Chattanooga-Hamilton County Air Pollution Control Bureau	35800006C
Air Pollution Equipment Operating Permit	Chattanooga-Hamilton County Air Pollution Control Bureau	35800010C
Air Pollution Equipment Operating Permit	Chattanooga-Hamilton County Air Pollution Control Bureau	35800017C
Air Pollution Equipment Operating Permit	Chattanooga-Hamilton County Air Pollution Control Bureau	35800026C

Question 8 Supplement: List of Citations or Violations

Citation or Violation	Issuing Authority	Date
Notice of Violation ("NOV"), excessive emissions under air permit	Chattanooga-Hamilton County Air Pollution Control Bureau	January 22, 1985
NOV, excessive emissions under air permit	Chattanooga-Hamilton County Air Pollution Control Bureau	May 7, 1985
NOV, excessive emissions under air permit	Chattanooga-Hamilton County Air Pollution Control Bureau	May 10, 1985
NOV, excessive emissions under air permit	Chattanooga-Hamilton County Air Pollution Control Bureau	May 13, 1985
NOV, excessive emissions under air permit	Chattanooga-Hamilton County Air Pollution Control Bureau	May 24, 1985
NOV, excessive emissions under air permit	Chattanooga-Hamilton County Air Pollution Control Bureau	September 4, 1985
NOV, excessive emissions under air permit	Chattanooga-Hamilton County Air Pollution Control Bureau	June 10, 1985
NOV, excessive emissions under air permit	Chattanooga-Hamilton County Air Pollution Control Bureau	February 5, 1986
NOV, excessive emissions under air permit	Chattanooga-Hamilton County Air Pollution Control Bureau	March 5, 1986
NOV, excessive emissions under air permit	Chattanooga-Hamilton County Air Pollution Control Bureau	September 3, 1986
NOV, excessive emissions under air permit	Chattanooga-Hamilton County Air Pollution Control Bureau	April 14, 1988
NOV, excessive emissions under air permit	Chattanooga-Hamilton County Air Pollution Control Bureau	December 11, 1996
NOV, based on Underground Storage Tank Program Inspection	Tennessee Department of Environment and Conservation, Division of Underground Storage Tanks	November 20, 1997
NOV, excessive emissions under air permit	Chattanooga-Hamilton County Air Pollution Control Bureau	May 31, 2002